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S/N 09/000,004

533 Rec'd PCT/PTO 01 AUG 2000

PATENT

PCT #5  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tsilibary, et al.

Examiner: Unknown

Serial No.: 09/000,004

Group Art Unit: Unknown

Filed: January 21, 1998

Docket No.: 600.314USWO

Title: ANALYSIS OF ALPHA-1 ANTITRYPSIN FOR THE DIAGNOSIS OF DIABETIC NEPHROPATHY

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on July 26, 2000.

By: Denise M. Kettelberger

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Check(s) in the amount of \$130.00, for Petition to Withdraw Holding of Abandonment
- ☒ Other: Petition To Withdraw Holding Of Abandonment Missing Requirements Notice Not Received, Declaration of Jodi Gandel-Klein In Support Of Petition To Withdraw Holding Of Abandonment, Copy of Docketing Information Sheet
- ☒ Return postcard

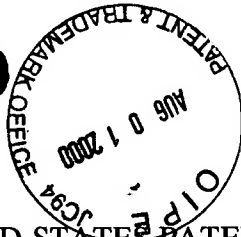
Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
(612) 332-5300

By: Denise M. Kettelberger

Name: Denise M. Kettelberger  
Reg. No.: 33,924

S/N 09/000,004

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Tsilibary, et al.	Examiner:	Unknown
Serial No.:	09/000,004	Group Art Unit:	Unknown
Filed:	January 21, 1998	Docket No.:	600.314USWO
Title:	ANALYSIS OF ALPHA INTEGRINS FOR THE DIAGNOSIS OF DIABETIC NEPHROPATHY		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on July 26, 2000.

By: *Dennis M. Kettelberg*  
Name:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**MISSING REQUIREMENTS NOTICE NOT RECEIVED**

**RECEIVED**

Assistant Commissioner for Patents  
Washington, D.C. 20231

11 AUG 2000

Logistics  
Internal Division

Dear Sir:

Applicants hereby petition to withdraw the holding of abandonment in this case, on the basis that the Missing Requirements Notice forming the basis of the abandonment was not received.

Applicants state that a search of the file and the docket records in Merchant & Gould indicates that this Missing Requirements Notice was not received.

Attached is a copy of the docket record where the Missing Requirements Notice would have been entered had it been received and docketed.

A Declaration of Jodi Gandel-Klein, the Docketing Supervisor is also attached.

The Declaration by Ms. Gandel-Klein outlines the firm's handling of incoming correspondence, including Patent and Trademark Missing Requirements Notices. As noted in the Declaration, the correspondence is brought to the firm, date stamped and sorted between Patent and Trademark Office correspondence, other correspondence possibly requiring docketing, and non-docketing correspondence. The Declaration also outlines the firm's procedures for docketing actions from the Patent and Trademark Office. A member of the

docketing department collects the correspondence requiring docketing from the mailroom, and delivers the Patent and Trademark Office correspondence to the appropriate docketing personnel. That person then reviews the correspondence and enters the appropriate information in the firm's automated docketing system. The correspondence is then delivered to the responsible attorney for appropriate action.

Ms. Gandel-Klein confirms that there is no evidence in the firm's docketing records to indicate that the Missing Requirements Notice in this application was ever received. Ms. Gandel-Klein concludes that, in view of this, she believes that the Missing Requirements Notice was never received for docketing.

It is believed that this is sufficient to establish the non-receipt of the Missing Requirements Notice. More particularly, if the Missing Requirements Notice had been received, it would have been entered into the computerized docket system. However, even if for some reason the information was entered into the docket system under the wrong file number, the Missing Requirements Notice would still would have been associated with the file for this application since the attorney docket number on the Missing Requirements Notice is correct. Therefore, the absence of the Missing Requirements Notice from the attorney's file substantiates Ms. Gandel-Klein's conclusion that the Missing Requirements Notice was not received. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

The petition fee under 37 C.F.R. § 1.17(h) in the amount of \$130.00 is enclosed.

Please charge any additional fees or credit overpayment to Merchant & Gould Deposit Account No. 13-2725.



Date: 26 July 2005  
DMK:mp

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Denise M. Kettelberger  
Denise M. Kettelberger  
Reg. No. 33,924

09/000004



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

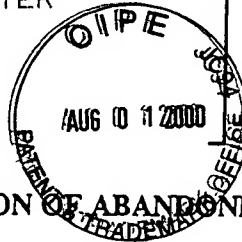
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BOX PCT  
Washington, D.C. 20231

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US APPLICATION NO. 097000,004	FIRST NAMED APPLICANT TSILIBARY	P	STANDARD SWO
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5071

DENISE M KETTELBERGER  
MERCHANT GOULD SMITH EDELL WELTER  
3100 NORWEST CENTER  
90 SOUTH SEVENTH STREET  
MINNEAPOLIS MN 55402



INTERNATIONAL APPLICATIONS
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I.A. FILING DATE 07/19/96	PRIORITY DATE 07/19/95
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05/22/00

DATE MAILED:

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received \_\_\_\_\_ is in compliance with 37 CFR 1.138 and is hereby acknowledged.
- ☐ Applicant has failed to provide the full U. S. Basic National Fee by ☐ 20 months (37 CFR 1.494 (b)(2)), ☐ 30 months (37 CFR 1.495 (b)(2)).
- ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed May 26, 1998 within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed \_\_\_\_\_ within the time period set therein. See the attached NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☐ Other:

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

John Andrew  
Telephone: (703) 308-9116

PCMaster v3 (Audit) Merchant & Gould [Patent]

00600.0314USWD

United States

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Patent Cooperation Treaty

WD

Assign RAD - Ronald A. Daignault

Assign DMK - Denise M. Kettelberge

Assign UNIVERSITY OF MINNESOTA

Assign

Assign

95167

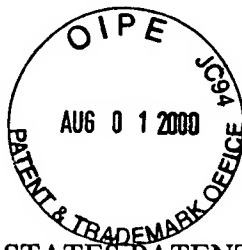
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Action	Action Due Date	Completed Date	Assigned To	Responsible Agent
IDS DUE	04/21/1998	04/21/1998	IDS IDS IDS	
Status/Address Check	07/21/1998	04/21/1998	Status Check Status	
IDS-PAW	07/21/1998	05/01/1998	IDS-PAW IDS-PAW	
Status/Address Check	11/01/1998	05/01/1998	IDS-PAW IDS-PAW	
Status/Address Check	05/01/1999	05/03/1999	STATUS STATUS	
Status/Address Check	06/01/1999	06/01/1999	STATUS STATUS	
Status/Address Check	07/01/1999	06/01/1999	STATUS STATUS	
Status/Address Check	01/01/2000	12/22/1999	STATUS STATUS	
Status/Address Check	06/22/2000			

Project: 01/23/1998 US 06/000,031,400 12/22/99 2:00 PM DE JAY

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S/N 09/000,004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Tsilibary, et al.	Examiner:	Unknown
Serial No.:	09/000,004	Group Art Unit:	Unknown
Filed:	January 21, 1998	Docket No.:	600.314USWO
Title:	ANALYSIS OF ALPHA INTEGRINS FOR THE DIAGNOSIS OF DIABETIC NEPHROPATHY		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on July 26, 2000.

By:   
Name:

**DECLARATION OF JODI GANDEL-KLEIN IN SUPPORT OF PETITION  
TO WITHDRAW HOLDING OF ABANDONMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, Jodi Gandel-Klein, declare and state:

1. I am the Docketing Supervisor for Merchant & Gould, the law firm prosecuting the above-referenced patent application. I have been Docketing Supervisor since November 17, 1997.
2. I am responsible for overseeing all incoming Patent and Trademark Office communications and oversee those responsible for seeing that these communications are properly docketed and entered into our computerized docketing system.
3. Incoming mail received by the firm is sorted into correspondence that may require docketing and correspondence that does not require docketing. The correspondence that may require docketing is further distinguished between correspondence from the Patent and Trademark Office and other correspondence. After the incoming mail has been date stamped to show date of receipt, a member of the firm's docketing department retrieves the

mail that may require docketing and brings it to the docketing department. The appropriate personnel then docket the correspondence.

4. If such a Missing Requirements Notice had been received, the communication would have been docketed by entering into the computerized docket system the date the Missing Requirements Notice was mailed. The computerized docket system would then calculate the due dates for response to the Missing Requirements Notice up to the six month statutory deadline. The first page of the Missing Requirements Notice would then be initialed by the person docketing the Missing Requirements Notice to indicate that it had been docketed and forwarded to the attorney responsible for the patent application for further action, e.g., reporting to the client, etc.

5. I have reviewed the records in the firm's docket system and find no entry for the Missing Requirements Notice for this application, nor any other evidence that would suggest that the Missing Requirements Notice actually was received by the firm.

6. In view of the above, I believe that the Missing Requirements Notice for this application was never delivered to the docketing department for docketing.

7. I declare that all statements made herein of my own knowledge are true and that all statements made on information belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18, of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

Dated: July 26, 2000

By: Joel Gandel-Klein  
Joel Gandel-Klein